

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TENNESSEE
3 GREENEVILLE

4 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-12-88
5 GOVERNMENT, .
6 VS. . GREENEVILLE, TN
7 PATRICK MULLANE MAXFIELD, . APRIL 23, 2013
8 DEFENDANT. . 9:00 A.M.
9

10
11 TRANSCRIPT OF CHANGE OF PLEA
12 BEFORE THE HONORABLE J. RONNIE GREER
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 FOR THE GOVERNMENT: U.S. DEPARTMENT OF JUSTICE
16 OFFICE OF U.S. ATTORNEY
17 HELEN C.T. SMITH, AUSA
220 WEST DEPOT STREET, SUITE 423
GREENEVILLE, TN 37743

18 FOR THE DEFENDANT: SPRINGER & STEINBERG, P.C.
19 HARVEY ABE STEINBERG, ESQ.
20 1600 BROADWAY, SUITE 1200
DENVER, CO 80202

21
22 COURT REPORTER: KAREN J. BRADLEY
23 RPR-RMR
24 U.S. COURTHOUSE
220 WEST DEPOT STREET
GREENEVILLE, TN 37743

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

1 (CALL TO ORDER OF THE COURT AT 9:00 A.M.)

2 THE COURT: GOOD MORNING.

3 MS. SMITH: GOOD MORNING, JUDGE GREER.

4 THE COURT: MS. SMITH.

5 MS. SMITH: BEFORE WE START THE PROCEEDING, I'D
6 LIKE TO INTRODUCE MR. HARVEY STEINBERG, WHO IS A MEMBER OF
7 THE COLORADO BAR. I'M SURE HE'S ADMITTED TO PRACTICE FOR
8 THE DISTRICT COURT FOR THE DISTRICT OF COLORADO, AND I
9 KNOW JUST FROM TALKING WITH HIM IN THE LAST FEW WEEKS HE'S
10 PROBABLY ADMITTED TO PRACTICE IN ALL 50 STATES AS WELL AS
11 GUAM AND PUERTO RICO FOR ALL I KNOW; BUT, ANYHOW, THIS IS
12 MR. STEINBERG. THIS IS JUDGE GREER.

13 THE COURT: GOOD MORNING, MR. STEINBERG. GLAD
14 TO HAVE YOU HERE.

15 MR. STEINBERG: FLATTERED BY THE INTRODUCTION,
16 ALBEIT A BIT EXAGGERATED. YOU HAVE PREVIOUSLY APPROVED ME
17 PRO HAC VICE, AND I'M HOPING THAT WILL CONTINUE.

18 THE COURT: IT WILL.

19 MR. STEINBERG: THANK YOU, SIR.

20 THE COURT: ALL RIGHT. MS. HOPSON, WOULD YOU
21 CALL THE CASE, PLEASE.

22 THE CLERK: USA V. PATRICK MULLANE MAXFIELD,
23 CASE NO. CR-2-12-88.

24 (DEFENDANT SWORN)

25 EXAMINATION

1 BY THE COURT:

2 Q. GOOD MORNING, MR. MAXFIELD.

3 A. GOOD MORNING.

4 Q. THE FEDERAL GRAND JURY IN THIS CASE HAS RETURNED A
5 FIVE COUNT INDICTMENT CHARGING VARIOUS CHILD PORNOGRAPHY
6 OFFENSES. YOU ARE CHARGED IN COUNTS 1, 2 -- MY SCRIPT
7 SAYS 1, 2, 3 AND 4, BUT YOU'RE CLEARLY CHARGED IN COUNT 5
8 OF THIS INDICTMENT, AND MY, MY SUMMARY ALSO SAYS YOU ARE
9 PLEADING GUILTY TO A CHARGE OF DISTRIBUTING CHILD
10 PORNOGRAPHY. THAT'S INCORRECT; ISN'T IT, IT'S RECEIVING
11 CHILD PORNOGRAPHY?

12 MS. SMITH: THAT'S CORRECT.

13 ALL RIGHT. LET ME START OVER, MR. MAXFIELD.
14 IT'S MY UNDERSTANDING THAT YOU HAVE NOW ENTERED INTO A
15 PLEA AGREEMENT WITH THE UNITED STATES AND THAT PURSUANT TO
16 THAT PLEA AGREEMENT WITH THE GOVERNMENT YOU WISH TO CHANGE
17 YOUR PLEA HERE TODAY TO A PLEA OF GUILTY AS TO COUNT 5 OF
18 THE INDICTMENT IN THIS CASE WHICH CHARGES YOU WITH THE
19 KNOWING RECEIPT OF CHILD PORNOGRAPHY IN INTERSTATE
20 COMMERCE IN VIOLATION OF TITLE 18, UNITED STATES CODE,
21 SECTIONS 2252(A), (A)(1) AND (A)(2); IS THAT CORRECT?

22 A. YES, YOUR HONOR.

23 Q. ALL RIGHT. BEFORE ACCEPTING THAT GUILTY PLEA, THERE
24 ARE A NUMBER OF QUESTIONS I NEED TO ASK YOU TO ASSURE THAT
25 THE PLEA IS A VALID ONE. IF YOU DO NOT UNDERSTAND ANY

1 QUESTION, PLEASE ASK ME TO EXPLAIN IT TO YOU, AND YOU MAY
2 CONFER WITH YOUR ATTORNEY ON ANY QUESTION IF YOU FIND IT
3 NECESSARY TO DO SO; DO YOU UNDERSTAND THAT?

4 A. YES, YOUR HONOR.

5 Q. DO YOU UNDERSTAND THAT YOU ARE NOW UNDER OATH AND
6 THAT IF YOU ANSWER ANY OF MY QUESTIONS FALSELY, YOUR
7 ANSWERS MAY BE USED AGAINST YOU IN ANOTHER CRIMINAL
8 PROSECUTION FOR PERJURY OR FOR MAKING A FALSE STATEMENT?

9 A. YES, YOUR HONOR.

10 Q. HOW OLD ARE YOU, MR. MAXFIELD?

11 A. THIRTY-FIVE.

12 Q. WHAT EDUCATION DO YOU HAVE?

13 A. I HAVE SOME COLLEGE EDUCATION.

14 Q. ARE YOU NOW BEING TREATED OR HAVE YOU RECENTLY BEEN
15 TREATED FOR ANY MENTAL ILLNESS OR ADDICTION TO NARCOTIC
16 DRUGS OF ANY KIND?

17 A. NO.

18 Q. HAVE YOU TAKEN ANY DRUGS, MEDICINE, PILLS OR
19 ALCOHOLIC BEVERAGE OF ANY KIND IN THE LAST 24 HOURS?

20 A. NO.

21 Q. IS THERE ANYTHING ABOUT YOUR MENTAL OR PHYSICAL
22 CONDITION HERE TODAY WHICH WOULD MAKE IT DIFFICULT FOR YOU
23 TO UNDERSTAND THESE PROCEEDINGS, TO THINK CLEARLY OR TO
24 MAKE GOOD DECISIONS ABOUT YOUR OWN CASE?

25 A. NO, SIR.

1 Q. AND DO YOU IN FACT UNDERSTAND WHAT'S HAPPENING HERE
2 TODAY?

3 A. YES, SIR.

4 THE COURT: AND, MR. STEINBERG, DO YOU CONSIDER
5 THE DEFENDANT COMPETENT TO ENTER A PLEA OF GUILTY HERE
6 TODAY?

7 MR. STEINBERG: I DO, SIR.

8 Q. MR. MAXFIELD, HAVE YOU RECEIVED A COPY OF THE
9 INDICTMENT AGAINST YOU IN THIS CASE?

10 A. YES, SIR.

11 Q. HAVE YOU READ THIS INDICTMENT?

12 A. YES, SIR.

13 Q. HAVE YOU HAD SUFFICIENT TIME TO DISCUSS THIS CASE
14 WITH YOUR LAWYER?

15 A. YES, SIR.

16 Q. HAVE YOU TOLD YOUR LAWYER EVERYTHING YOU KNOW ABOUT
17 THIS CASE?

18 A. YES, SIR.

19 Q. DO YOU BELIEVE THAT YOUR LAWYER IS FULLY AWARE OF
20 ALL THE FACTS UPON WHICH THIS CHARGE IS BASED?

21 A. YES, SIR.

22 Q. HAS YOUR LAWYER ADVISED YOU AS TO THE NATURE AND
23 MEANING OF THE CHARGES AGAINST YOU IN THIS CASE?

24 A. YES, SIR.

25 Q. HAS YOUR ATTORNEY EXPLAINED TO YOU THE MEANING OF

1 ALL WORDS USED IN THIS INDICTMENT ABOUT WHICH YOU HAD ANY
2 QUESTION?

3 A. YES, SIR.

4 Q. HAS YOUR ATTORNEY ADVISED YOU AS TO EACH AND EVERY
5 ELEMENT OF THIS OFFENSE WHICH THE GOVERNMENT MUST PROVE
6 BEYOND A REASONABLE DOUBT IN ORDER TO OBTAIN A CONVICTION
7 AGAINST YOU IN THIS CASE?

8 A. YES, SIR.

9 Q. NOW, AS I INDICATED TO YOU EARLIER, MR. MAXFIELD,
10 THE INDICTMENT RETURNED BY THE GRAND JURY IN THIS CASE IS
11 A MULTI-COUNT INDICTMENT; HOWEVER, THE RELEVANT COUNT OF
12 THIS INDICTMENT FOR OUR PURPOSES HERE TODAY IS COUNT 5 OF
13 THE INDICTMENT. FIRST OF ALL, THE INDICTMENT CONTAINS AN
14 INTRODUCTION WHICH IS THEN INCORPORATED BY REFERENCE INTO
15 EACH OF THE COUNTS OF THE INDICTMENT.

16 THE INTRODUCTION TO THE INDICTMENT READS AS
17 FOLLOWS: AT ALL TIMES MATERIAL TO THIS INDICTMENT, ONE,
18 DEFENDANT APRIL NICOLE BELL OPERATED PERSONAL COMPUTERS
19 AND TELEPHONES FROM HER RESIDENCE LOCATED AT 394 BUTLER
20 ROAD, APARTMENT B, MOUNTAIN CITY, JOHNSON COUNTY,
21 TENNESSEE, WITH ACCESS TO THE INTERNET; TWO, DEFENDANT
22 PATRICK MULLANE MAXFIELD OPERATED PERSONAL COMPUTERS AND
23 TELEPHONE FROM HIS RESIDENCE LOCATED AT 1120 MODELL DRIVE,
24 COLORADO SPRINGS, EL PASO COUNTY, COLORADO, WITH ACCESS TO
25 THE INTERNET; AND, THIRD, THE INTERNET IS A MEANS OF

1 INTERSTATE COMMERCE.

2 NOW, COUNT 5 OF THE INDICTMENT READS AS
3 FOLLOWS: ONE, PARAGRAPHS 1 THROUGH 3 FROM THE INTRO-
4 DUCTORY PARAGRAPHS ARE REALLEGED AND INCORPORATED AS FULLY
5 SET FORTH HEREIN; TWO, THE GRAND JURY CHARGES THAT FROM ON
6 OR ABOUT AUGUST 1, 2009, TO ON OR ABOUT FEBRUARY 7, 2011,
7 IN THE EASTERN DISTRICT OF TENNESSEE AND ELSEWHERE,
8 DEFENDANT PATRICK MULLANE MAXFIELD KNOWINGLY RECEIVED
9 CHILD PORNOGRAPHY AS DEFINED IN TITLE 18, UNITED STATES
10 CODE, SECTION 2256 SUBSECTION (8)(A), USING A MEANS OR
11 FACILITY OF INTERSTATE COMMERCE, OR IN OR AFFECTING
12 INTERSTATE COMMERCE BY ANY MEANS, INCLUDING BY COMPUTER,
13 AND THE PRODUCTION OF SUCH VIDEO DEPICTIONS INVOLVED THE
14 USE OF A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT AND
15 THE VISUAL DEPICTION IS OF SUCH CONDUCT, ALL IN VIOLATION
16 OF TITLE 18, UNITED STATES CODE, SECTIONS 2252(A), (A)(1)
17 AND (A)(2). DO YOU UNDERSTAND THAT THAT'S WHAT COUNT 5 OF
18 THE INDICTMENT CHARGES?

19 A. YES, SIR.

20 Q. AND DO YOU UNDERSTAND THAT BEFORE YOU COULD BE
21 CONVICTED AS CHARGED IN COUNT 5 OF THE INDICTMENT, THAT IS
22 WITH THE KNOWING RECEIPT OF CHILD PORNOGRAPHY IN INTER-
23 STATE COMMERCE, THE UNITED STATES WOULD BE REQUIRED TO
24 PROVE EACH OF THE FOLLOWING ELEMENTS BEYOND A REASONABLE
25 DOUBT: FIRST, THAT YOU KNOWINGLY RECEIVED ITEMS OF CHILD

1 PORNOGRAPHY AS CHARGED IN THE INDICTMENT; SECOND, THAT
2 SUCH ITEMS OF CHILD PORNOGRAPHY HAD BEEN TRANSPORTED AND
3 SHIPPED IN INTERSTATE COMMERCE BY A COMPUTER AS CHARGED;
4 AND, THIRD, THAT AT THE TIME OF SUCH RECEIPT YOU BELIEVED
5 THAT SUCH ITEMS CONSTITUTED OR CONTAINED CHILD
6 PORNOGRAPHY?

7 A. YES, SIR.

8 Q. NOW, I JUST USED SOME TERMS THAT I WANT TO DEFINE
9 FOR YOU, MR. MAXFIELD, TO MAKE SURE THAT YOU UNDERSTAND
10 WHAT THOSE TERMS MEAN. FIRST OF ALL, I HAVE USED THE TERM
11 "RECEIVE" OR "RECEIPT OF", DO YOU UNDERSTAND THAT TO
12 RECEIVE MEANS TO KNOWINGLY ACCEPT OR TAKE POSSESSION OF
13 SOMETHING. RECEIPT DOES NOT REQUIRE PROOF OF OWNERSHIP.
14 DO YOU UNDERSTAND THAT THAT'S WHAT "RECEIPT" MEANS, SIMPLY
15 MEANS TO ACCEPT IT OR TO TAKE POSSESSION OF IT?

16 A. YES.

17 Q. NOW, I'VE ALSO USED THE TERM "CHILD PORNOGRAPHY".
18 CHILD PORNOGRAPHY IS DEFINED IN THE STATUTE AS ANY VISUAL
19 DEPICTION INVOLVING ANY -- INCLUDING ANY PHOTOGRAPH, FILM,
20 VIDEO, PICTURE OR COMPUTER OR COMPUTER-GENERATED IMAGE OR
21 PICTURE, WHETHER MADE OR PRODUCED BY ELECTRONIC, MECHANI-
22 CAL OR OTHER MEANS OF SEXUALLY EXPLICIT CONDUCT WHERE THE
23 PRODUCTION OF SUCH VISUAL DEPICTION INVOLVES THE USE OF A
24 MINOR ENGAGING IN SEXUALLY EXPLICIT CONDUCT. DO YOU
25 UNDERSTAND THAT THAT'S HOW CHILD PORNOGRAPHY IS DEFINED IN

1 THE STATUTE?

2 A. YES.

3 Q. NOW, I'VE ALSO USED THE TERM "MINOR". THE TERM
4 "MINOR" SIMPLY MEANS ANY PERSON UNDER THE AGE OF 18 YEARS;
5 DO YOU UNDERSTAND THAT?

6 A. YES, SIR.

7 Q. ALL RIGHT. HAVE YOU AND YOUR ATTORNEY DISCUSSED ANY
8 POSSIBLE DEFENSES YOU MIGHT HAVE TO THIS CHARGE?

9 A. YES.

10 Q. NOW, AS I SAID EARLIER, MR. MAXFIELD, I UNDERSTAND
11 THERE IS A PLEA AGREEMENT. IN FACT, THAT PLEA AGREEMENT
12 HAS BEEN HANDED TO ME THIS MORNING. HAVE YOU READ THIS
13 PLEA AGREEMENT?

14 A. YES, I HAVE.

15 Q. AND HAS YOUR ATTORNEY EXPLAINED TO YOU ALL THE TERMS
16 AND CONDITIONS OF THE PLEA AGREEMENT YOU'VE ENTERED INTO
17 WITH THE UNITED STATES?

18 A. YES, HE HAS.

19 Q. DO YOU FULLY UNDERSTAND ALL THE TERMS AND CONDITIONS
20 OF THE PLEA AGREEMENT YOU'VE MADE WITH THE GOVERNMENT?

21 A. YES.

22 Q. AND IS THIS YOUR SIGNATURE ON THIS PLEA AGREEMENT
23 THAT'S BEEN HANDED TO ME THIS MORNING?

24 A. YES.

25 Q. ARE YOU SATISFIED WITH YOUR LAWYER'S REPRESENTATION

1 OF YOU IN THIS CASE?

2 A. YES.

3 THE COURT: AND, MR. STEINBERG, ARE YOU
4 SATISFIED THAT MR. MAXFIELD UNDERSTANDS THIS CHARGE, THE
5 ELEMENTS OF THE OFFENSE CHARGED AND THE LEGAL MEANING OF
6 ALL WORDS USED IN THE INDICTMENT?

7 MR. STEINBERG: I AM.

8 Q. NOW, MR. MAXFIELD, BY ENTERING A PLEA OF GUILTY HERE
9 TODAY, YOU WILL WAIVE OR GIVE UP CERTAIN RIGHTS THAT YOU
10 HAVE AS A CRIMINAL DEFENDANT IN THIS CASE. I NEED TO ASK
11 YOU A SERIES OF QUESTIONS TO MAKE SURE THAT YOU UNDERSTAND
12 THE RIGHTS YOU ARE WAIVING BY ENTERING THIS GUILTY PLEA
13 HERE TODAY. FIRST OF ALL, DO YOU UNDERSTAND THAT YOU HAVE
14 A RIGHT TO PLEAD NOT GUILTY TO ANY OFFENSE CHARGED AGAINST
15 YOU AND TO PERSIST IN THAT NOT GUILTY PLEA?

16 A. YES, YOUR HONOR.

17 Q. DO YOU UNDERSTAND THAT YOU WOULD THEN HAVE THE RIGHT
18 TO A TRIAL BY A JURY?

19 A. YES, SIR.

20 Q. DO YOU UNDERSTAND THAT DURING THAT JURY TRIAL YOU
21 WOULD HAVE THE RIGHT TO THE ASSISTANCE OF COUNSEL FOR YOUR
22 DEFENSE --

23 A. YES.

24 Q. -- COUNSEL APPOINTED BY THE COURT AND PAID FOR BY
25 THE GOVERNMENT IF YOU COULD NOT AFFORD TO HIRE YOUR OWN

1 ATTORNEY?

2 A. YES, SIR.

3 Q. DO YOU UNDERSTAND THAT DURING THAT JURY TRIAL YOU
4 WOULD HAVE THE RIGHT TO SEE AND HEAR THE GOVERNMENT'S
5 WITNESSES AGAINST YOU AND HAVE THOSE WITNESSES
6 CROSS-EXAMINED BY YOUR ATTORNEY IN YOUR DEFENSE?

7 A. YES, SIR.

8 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT ON
9 YOUR OWN PART NOT TO TESTIFY AT TRIAL UNLESS YOU CHOSE TO
10 DO SO IN YOUR OWN DEFENSE?

11 A. YES.

12 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT TO
13 THE ISSUANCE OF SUBPOENAS TO COMPEL THE ATTENDANCE OF
14 WITNESSES TO TESTIFY ON YOUR BEHALF AT TRIAL?

15 A. YES, SIR.

16 Q. NOW, VERY IMPORTANTLY, MR. MAXFIELD, DO YOU
17 UNDERSTAND THAT BY ENTERING A PLEA OF GUILTY HERE TODAY,
18 IF THE PLEA IS ULTIMATELY ACCEPTED BY THE COURT, THERE
19 WILL BE NO TRIAL IN YOUR CASE?

20 A. YES, SIR.

21 Q. AND DO YOU UNDERSTAND THAT BY ENTERING A PLEA OF
22 GUILTY HERE TODAY, YOU WILL HAVE WAIVED OR GIVEN UP THE
23 RIGHT TO A TRIAL OF ANY KIND, AS WELL AS ALL THESE OTHER
24 RIGHTS ASSOCIATED WITH A TRIAL THAT I'VE JUST DESCRIBED TO
25 YOU?

1 A. YES, SIR.

2 Q. DO YOU UNDERSTAND THAT YOU WILL ALSO BE GIVING UP
3 THE RIGHT NOT TO BE COMPELLED TO INCRIMINATE YOURSELF?

4 A. YES, SIR.

5 Q. AND DO YOU UNDERSTAND THAT YOU WILL BE GIVING UP THE
6 RIGHT TO REQUIRE THE UNITED STATES TO PROVE YOU GUILTY
7 BEYOND A REASONABLE DOUBT?

8 A. YES, SIR.

9 Q. HAS ANY PERSON, INCLUDING AN OFFICER OR AGENT OF THE
10 GOVERNMENT, PUT ANY PRESSURE ON YOU MENTALLY OR PHYSICALLY
11 TO FORCE YOU TO PLEAD GUILTY IN THIS CASE?

12 A. NO, SIR.

13 Q. MR. MAXFIELD, I AM AWARE THAT THE GOVERNMENT HAS
14 MADE CERTAIN PROMISES TO YOU IN THIS PLEA AGREEMENT, AS
15 WELL -- OR INCLUDING AN AGREEMENT BY THE GOVERNMENT THAT
16 PURSUANT TO RULE 11(C)(1)(C) OF THE FEDERAL RULES OF
17 CRIMINAL PROCEDURE THE SENTENCE TO BE IMPOSED IN THE CASE
18 WILL BE 60 MONTHS; BUT OTHER THAN ANY PROMISE CONTAINED IN
19 THIS PLEA AGREEMENT, HAS ANY OFFICER OR AGENT OF THE
20 GOVERNMENT PROMISED TO YOU OR SUGGESTED TO YOU THAT YOU
21 WILL RECEIVE A LIGHTER SENTENCE OR ANY OTHER FORM OF
22 LENIENCY IF YOU PLEAD GUILTY?

23 A. NO.

24 Q. ONCE AGAIN, ASIDE FROM THE PROMISES CONTAINED IN THE
25 PLEA AGREEMENT, HAVE ANY PROMISES OR THREATS OF ANY KIND

1 BEEN MADE BY ANYONE TO INDUCE YOU TO PLEAD GUILTY IN THIS
2 CASE?

3 A. NO.

4 Q. IN OTHER WORDS, IS IT YOUR FREE AND VOLUNTARY
5 DECISION TO ENTER A PLEA OF GUILTY HERE TODAY?

6 A. YES.

7 Q. ALL RIGHT, MR. MAXFIELD, I NOW STATE FOR THE RECORD
8 THAT THE COURT WILL REVIEW THE PLEA AGREEMENT IN THIS
9 CASE. I ADVISE BOTH YOU AND COUNSEL THAT I AM NOT
10 REQUIRED TO ACCEPT THIS PLEA AGREEMENT AND THAT I WILL
11 DEFER MY DECISION ON WHETHER OR NOT TO ACCEPT OR REJECT
12 YOUR PLEA AGREEMENT UNTIL AFTER I HAVE RECEIVED A PRE-
13 SENTENCE REPORT COMPLETED BY THE UNITED STATES PROBATION
14 OFFICE; HOWEVER, IF I DO REJECT THIS PLEA AGREEMENT, YOU
15 WILL BE SO ADVISED HERE IN OPEN COURT AND YOU WILL BE
16 PERMITTED TO WITHDRAW YOUR GUILTY PLEA, DO YOU UNDERSTAND
17 THAT?

18 A. YES.

19 Q. NOW, AS I INDICATED, MR. MAXFIELD, YOU HAVE ENTERED
20 INTO A PLEA AGREEMENT HERE PURSUANT TO RULE 11(C)(1)(C) OF
21 THE FEDERAL RULES OF CRIMINAL PROCEDURE IN THAT YOU HAVE
22 AGREED WITH THE GOVERNMENT THAT A SPECIFIC SENTENCE IN THE
23 CASE, AT LEAST IN PART, THAT IS WITH RESPECT, AS I
24 UNDERSTAND IT, TO THE TERM OF IMPRISONMENT, BUT MAYBE NOT
25 TO OTHER PARTS OF THE SENTENCE, BUT AT LEAST AS TO THE

1 TERM OF IMPRISONMENT IN THIS CASE THAT THAT TERM, THAT
2 AGREED UPON TERM IS THE APPROPRIATE DISPOSITION OF THE
3 CASE; DO YOU UNDERSTAND THAT?

4 A. YES.

5 Q. AND DO YOU UNDERSTAND THAT IF, ON THE OTHER HAND, I
6 ACCEPT THIS PLEA AGREEMENT, I WILL BE REQUIRED TO IMPOSE
7 THE AGREED UPON TERM OF IMPRISONMENT?

8 A. YES.

9 Q. IN OTHER WORDS, I'LL HAVE NO DISCRETION TO SENTENCE
10 YOU TO ANY SENTENCE LESS THAN 60 MONTHS OR MORE THAN 60
11 MONTHS?

12 A. YES.

13 THE COURT: ALL RIGHT, MR. STEINBERG, DOES THE
14 DEFENDANT WAIVE ANY FURTHER FORMAL READING OF THE
15 INDICTMENT HERE TODAY?

16 MR. STEINBERG: HE DOES, SIR.

17 Q. NOW, MR. MAXFIELD, BEFORE I CAN ACCEPT YOUR GUILTY
18 PLEA HERE TODAY, I HAVE TO DETERMINE THAT THERE IS WHAT'S
19 CALLED AN ADEQUATE FACTUAL BASIS FOR THE GUILTY PLEA. IN
20 OTHER WORDS, I NEED TO DETERMINE THAT THERE ARE SUFFICIENT
21 FACTS ESTABLISHED FROM WHICH THE COURT CAN DETERMINE
22 BEYOND A REASONABLE DOUBT THAT YOU HAVE IN FACT COMMITTED
23 THIS OFFENSE. NOW, IT APPEARS THAT YOU HAVE ENTERED INTO
24 A STIPULATION OF FACTS WHICH IS CONTAINED IN THIS PLEA
25 AGREEMENT AT PARAGRAPH 4 FOR THE PURPOSE OF ESTABLISHING

1 THE REQUIRED FACTUAL BASIS IN THE CASE. DID YOU READ
2 PARAGRAPH 4 OF THIS PLEA AGREEMENT VERY CAREFULLY?

3 A. YES.

4 Q. AND DID YOU REVIEW THE STIPULATION OF FACTS
5 CONTAINED IN PARAGRAPH 4 OF THE PLEA AGREEMENT WITH YOUR
6 ATTORNEY?

7 A. YES.

8 Q. DO YOU AGREE WITH THE SUMMARY OF WHAT YOU DID IN
9 THIS CASE THAT'S SET OUT IN PARAGRAPH 4 OF THIS PLEA
10 AGREEMENT?

11 A. YES.

12 Q. ARE ALL OF THE FACTS CONTAINED IN PARAGRAPH 4 OF
13 YOUR PLEA AGREEMENT TRUE?

14 A. YES.

15 Q. AND DO YOU STIPULATE HERE THIS MORNING UNDER OATH
16 THAT THE FACTS CONTAINED IN THIS STIPULATION IN PARAGRAPH
17 4 OF YOUR PLEA AGREEMENT ARE TRUE AND CORRECT?

18 A. YES.

19 Q. I ALSO NOTE HERE, MR. MAXFIELD, THAT PARAGRAPH 4 OF
20 THIS PLEA AGREEMENT PROVIDES THAT THESE STIPULATED FACTS
21 DO NOT NECESSARILY CONSTITUTE ALL OF THE FACTS IN THE CASE
22 AND THAT OTHER FACTS MAY BE RELEVANT TO SENTENCING. DO
23 YOU UNDERSTAND THAT?

24 A. YES.

25 Q. IN OTHER WORDS, THERE COULD BE OTHER FACTS NOT SET

1 OUT IN THIS STIPULATION WHICH THE COURT WILL CONSIDER
2 AFTER THE PREPARATION OF THE PRESENTENCE REPORT IN
3 DETERMINING WHETHER OR NOT TO ACCEPT OR REJECT THIS PLEA
4 AGREEMENT, AND, THEREFORE, WHETHER OR NOT TO IMPOSE THE 60
5 MONTH AGREED UPON SENTENCE.

6 A. YES.

7 Q. ALL RIGHT, MR. MAXFIELD, HOW DO YOU PLEAD THEN AS TO
8 COUNT 5 OF THE INDICTMENT IN THIS CASE WHICH CHARGES YOU
9 WITH THE KNOWING RECEIPT OF CHILD PORNOGRAPHY IN INTER-
10 STATE COMMERCE IN VIOLATION OF TITLE 18, UNITED STATES
11 CODE, SECTIONS 2252(A), (A)(1) AND (A)(2), DO YOU PLEAD
12 GUILTY OR NOT GUILTY?

13 A. GUILTY.

14 Q. DO YOU UNDERSTAND WHAT IT IS YOU'RE PLEADING GUILTY
15 TO?

16 A. YES.

17 Q. ARE YOU OFFERING TO PLEAD GUILTY BECAUSE YOU ARE IN
18 FACT GUILTY?

19 A. YES.

20 THE COURT: ALL RIGHT, MS. SMITH, AS I
21 INDICATED, I'M AWARE THAT THIS IS A RULE 11(C)(1)(C) PLEA
22 AGREEMENT, BUT WOULD YOU PLEASE ADVISE THE DEFENDANT AS TO
23 THE MAXIMUM POSSIBLE PENALTY PROVIDED BY THE LAW FOR THIS
24 OFFENSE.

25 MS. SMITH: I WILL, YOUR HONOR.

1 THE MAXIMUM PENALTY TO WHICH MR. MAXFIELD WILL
2 BE EXPOSED OR COULD BE EXPOSED, I ASSUME, BY VIRTUE OF THE
3 GUILTY PLEA IS A MINIMUM MANDATORY TERM OF IMPRISONMENT OF
4 NOT LESS THAN 5 YEARS UP TO 20 YEARS, A MAXIMUM FINE OF
5 \$250,000, A TERM OF UP TO LIFETIME SUPERVISED RELEASE AND
6 A MANDATORY ASSESSMENT OF \$100.

7 THE COURT: AND AS I UNDERSTAND THIS PLEA
8 AGREEMENT, MS. SMITH, THERE IS AN AGREEMENT AS TO THE TERM
9 OF IMPRISONMENT TO BE IMPOSED, BUT THERE IS NO AGREEMENT,
10 AND THIS PLEA AGREEMENT, IN OTHER WORDS, LEAVES TO THE
11 COURT'S DISCRETION THE QUESTION OF ANY FINE AND ANY TERM
12 OF SUPERVISED RELEASE; IS THAT CORRECT?

13 MS. SMITH: THAT'S CORRECT, YOUR HONOR.

14 Q. ALL RIGHT. MR. MAXFIELD, FIRST OF ALL, DO YOU
15 UNDERSTAND THAT THAT IS THE MAXIMUM SENTENCE THE COURT CAN
16 IMPOSE IN THIS CASE?

17 A. YES.

18 Q. VERY IMPORTANTLY, DO YOU UNDERSTAND THAT UNDER
19 FEDERAL LAW THERE IS A REQUIRED MANDATORY MINIMUM TERM OF
20 IMPRISONMENT OF AT LEAST 5 YEARS?

21 A. YES.

22 Q. AND IT IS THAT 5 YEAR STATUTORY MANDATORY MINIMUM
23 SENTENCE THAT YOU HAVE AGREED WITH THE GOVERNMENT IS AN
24 APPROPRIATE DISPOSITION IN THE CASE; DO YOU UNDERSTAND
25 THAT?

1 A. YES.

2 Q. NOW, AS MS. SMITH INDICATED, THE COURT ALSO MUST
3 IMPOSE A MANDATORY ASSESSMENT OF \$100 AND CAN IMPOSE A
4 SUBSTANTIAL FINE UP TO \$250,000 AND A LIFETIME TERM OF
5 SUPERVISED RELEASE. AS I JUST STATED, DO YOU UNDERSTAND
6 THAT THE ISSUE OF WHAT IF ANY FINE TO BE IMPOSED AND THE
7 LENGTH OF ANY TERM OF SUPERVISED RELEASE IS LEFT TO THE
8 DISCRETION OF THE COURT UNDER THIS PLEA AGREEMENT? IN
9 OTHER WORDS, I WILL DECIDE THOSE ISSUES AFTER A FURTHER
10 HEARING.

11 A. YES.

12 Q. DO YOU ALSO UNDERSTAND THAT IN APPROPRIATE CASES THE
13 COURT MUST ORDER RESTITUTION AND THAT CERTAIN OF YOUR
14 PROPERTY COULD BE SUBJECT TO FORFEITURE BECAUSE OF YOUR
15 GUILTY PLEA?

16 A. YES.

17 THE COURT: MS. SMITH, IS FORFEITURE OR
18 RESTITUTION AT ISSUE IN THIS CASE?

19 MS. SMITH: NO, YOUR HONOR. THERE WAS NONE
20 SOUGHT IN THE INDICTMENT.

21 Q. ALL RIGHT. NOW, MR. MAXFIELD, I WANT YOU TO BE
22 AWARE OF THE FACT THAT EVEN THOUGH THE GOVERNMENT DOES NOT
23 NOW SEEK RESTITUTION IN THE CASE, THAT DOES NOT PREVENT
24 THE MINOR VICTIM IN THIS CASE FROM FILING SOME CLAIM FOR
25 RESTITUTION OR SUING YOU CIVILLY; DO YOU UNDERSTAND

1 THAT?

2 A. YES.

3 Q. MR. MAXFIELD, IF YOUR PLEA IS ACCEPTED HERE TODAY,
4 YOU WILL BE ADJUDGED GUILTY OF A FELONY OFFENSE. THIS
5 WILL CAUSE YOU TO LOSE CERTAIN VALUABLE CIVIL RIGHTS; SUCH
6 AS, THE RIGHT TO VOTE, THE RIGHT TO HOLD PUBLIC OFFICE,
7 THE RIGHT TO SERVE ON A JURY AND THE RIGHT TO POSSESS ANY
8 KIND OF FIREARMS. KNOWING THOSE ADDITIONAL PENALTIES, DO
9 YOU STILL WANT TO PLEAD GUILTY HERE TODAY?

10 A. YES.

11 THE COURT: MS. SMITH, HAS THIS DEFENDANT
12 WAIVED ANY APPEAL RIGHTS OR RIGHTS TO FILE A SECTION 2255
13 MOTION IN THIS PLEA AGREEMENT?

14 MS. SMITH: YES, HE HAS, YOUR HONOR.

15 PURSUANT TO PARAGRAPH 9, IN CONSIDERATION OF
16 THE CONCESSIONS MADE BY THE UNITED STATES IN THIS AGREE-
17 MENT AND AS A FURTHER DEMONSTRATION OF MR. MAXFIELD'S
18 ACCEPTANCE OF RESPONSIBILITY FOR THE OFFENSE COMMITTED, HE
19 HAS AGREED NOT TO FILE A DIRECT APPEAL OF HIS CONVICTION
20 OR SENTENCE, EXCEPT HE RETAINS THE RIGHT TO APPEAL A
21 SENTENCE IMPOSED ABOVE THE SENTENCING GUIDELINE RANGE OR
22 ANY APPLICABLE MANDATORY MINIMUM SENTENCE, WHICHEVER IS
23 GREATER, AS DETERMINED BY THE DISTRICT COURT.

24 IN ADDITION, MR. MAXFIELD KNOWINGLY AND VOLUN-
25 TARILY WAIVES THE RIGHT TO FILE ANY MOTIONS OR PLEADINGS

1 PURSUANT TO 28 U.S. CODE SECTION 2255 OR TO COLLATERALLY
2 ATTACK HIS CONVICTION AND/OR RESULTING SENTENCE. THE
3 PARTIES AGREE THAT HE RETAINS THE RIGHT TO RAISE BY WAY OF
4 COLLATERAL REVIEW UNDER SECTION 2255 CLAIMS OF INEFFECTIVE
5 ASSISTANCE OF COUNSEL OR PROSECUTORIAL MISCONDUCT WHICH
6 ARE NOT KNOWN TO MR. MAXFIELD BY THE TIME OF THE ENTRY OF
7 JUDGMENT.

8 THE COURT: THANK YOU, MS. SMITH.

9 Q. MR. MAXFIELD, DO YOU UNDERSTAND THAT UNDER YOUR PLEA
10 AGREEMENT WITH THE GOVERNMENT YOU HAVE EXPRESSLY WAIVED
11 RIGHTS TO APPEAL OR TO COLLATERALLY ATTACK YOUR CONVICTION
12 OR THE RESULTING SENTENCE IN THIS CASE AS JUST STATED BY
13 THE UNITED STATES ATTORNEY AND AS SET OUT IN PARAGRAPH 9
14 OF THIS PLEA AGREEMENT?

15 A. YES.

16 Q. DID YOU READ PARAGRAPH 9 OF THE PLEA AGREEMENT
17 CAREFULLY?

18 A. YES.

19 Q. DID YOU REVIEW THE PROVISIONS OF PARAGRAPH 9 OF THIS
20 PLEA AGREEMENT WITH YOUR ATTORNEY?

21 A. YES.

22 Q. HAVE YOU AND YOUR ATTORNEY FULLY DISCUSSED THESE
23 WAIVERS OF YOUR RIGHTS TO APPEAL AND YOUR RIGHT TO
24 COLLATERALLY ATTACK YOUR CONVICTION OR THE RESULTING
25 SENTENCE IN THIS CASE?

1 A. YES.

2 Q. UNDER THE SENTENCING REFORM ACT OF 1984, THE UNITED
3 STATES SENTENCING COMMISSION HAS ISSUED SENTENCING GUIDE-
4 LINES FOR JUDGES TO CONSIDER IN DETERMINING SENTENCES IN
5 CRIMINAL CASES. THE USE OF THESE GUIDELINES IS NO LONGER
6 MANDATORY, RATHER THEY ARE ADVISORY GUIDELINES ONLY;
7 HOWEVER, AS A GENERAL MATTER YOUR ADVISORY GUIDELINE
8 SENTENCING RANGE IS ONE OF THE FACTORS WHICH THE COURT IS
9 REQUIRED TO CONSIDER IN DETERMINING AN APPROPRIATE
10 SENTENCE IN YOUR CASE.

11 IN THIS PARTICULAR CASE, MR. MAXFIELD, THAT
12 ADVISORY GUIDELINE RANGE IS ALSO ONE OF THE FACTORS THE
13 COURT WILL CONSIDER IN DETERMINING WHETHER OR NOT TO
14 ACCEPT OR REJECT THIS RULE 11(C)(1)(C) PLEA AGREEMENT AND
15 ULTIMATELY WHETHER OR NOT TO IMPOSE THE AGREED UPON
16 SENTENCE.

17 HAVE YOU AND YOUR ATTORNEY TALKED ABOUT HOW
18 THESE ADVISORY GUIDELINES MIGHT APPLY IN THIS CASE?

19 A. YES.

20 Q. DO YOU UNDERSTAND THAT THE COURT CANNOT DETERMINE
21 THE ADVISORY GUIDELINE SENTENCING RANGE WHICH APPLIES TO
22 YOUR CASE AND, THEREFORE, DETERMINE AN APPROPRIATE
23 SENTENCE OR DETERMINE WHETHER TO ACCEPT THIS PLEA AGREE-
24 MENT UNTIL AFTER A PRESENTENCE REPORT HAS BEEN COMPLETED
25 BY THE UNITED STATES PROBATION OFFICE AND BOTH YOU AND THE

1 GOVERNMENT HAVE HAD AN OPPORTUNITY TO OBJECT TO ANY OF THE
2 CONTENTS OF THE PRESENTENCE REPORT?

3 A. YES.

4 Q. NOW, UNDER FEDERAL LAW, MR. MAXFIELD, THERE ARE A
5 NUMBER OF OTHER FACTORS WHICH THE COURT IS REQUIRED TO
6 CONSIDER IN DETERMINING THE SENTENCE TO BE IMPOSED IN A
7 CASE, AND MORE SPECIFICALLY TO YOUR CASE IN DETERMINING
8 WHETHER OR NOT TO ACCEPT OR REJECT THE PLEA AGREEMENT
9 YOU'VE ENTERED INTO. THOSE OTHER FACTORS ARE LISTED AT
10 TITLE 18, UNITED STATES CODE, SECTION 3553(A), AND THEY
11 INCLUDE: THE NATURE AND CIRCUMSTANCES OF THE OFFENSE;
12 YOUR HISTORY AND CHARACTERISTICS; THE NEED FOR THE
13 SENTENCE IMPOSED TO REFLECT THE SERIOUSNESS OF THE
14 OFFENSE; TO PROMOTE RESPECT FOR THE LAW; TO PROVIDE JUST
15 PUNISHMENT FOR THE OFFENSE; TO AFFORD ADEQUATE DETERRENCE
16 TO CRIMINAL CONDUCT; TO PROTECT THE PUBLIC FROM FURTHER
17 CRIMES YOU MIGHT COMMIT; TO PROVIDE YOU WITH ANY NEEDED
18 EDUCATIONAL OR VOCATIONAL TRAINING, MEDICAL CARE OR OTHER
19 CORRECTIONAL TREATMENT IN THE MOST EFFECTIVE MANNER; THE
20 KINDS OF SENTENCES AVAILABLE; ANY PERTINENT POLICY STATE-
21 MENT ISSUED BY THE SENTENCING COMMISSION; THE NEED TO
22 AVOID UNWARRANTED SENTENCE DISPARITIES AMONG DEFENDANTS
23 WITH SIMILAR RECORDS WHO HAVE BEEN FOUND GUILTY OF SIMILAR
24 CONDUCT; AND THE NEED, IF ANY, TO PROVIDE RESTITUTION TO
25 ANY VICTIMS OF THE OFFENSE. DO YOU UNDERSTAND THAT THIS

1 COURT WILL CONSIDER ALL OF THOSE FACTORS, ALONG WITH YOUR
2 ADVISORY GUIDELINES RANGE, BEFORE DECIDING WHETHER OR NOT
3 TO ACCEPT OR REJECT THIS PLEA AGREEMENT AND, ULTIMATELY,
4 WHETHER OR NOT TO IMPOSE THE AGREED UPON 60 MONTH
5 SENTENCE?

6 A. YES.

7 Q. DO YOU UNDERSTAND THAT BEFORE I MAKE THE DECISION ON
8 WHETHER OR NOT TO ACCEPT OR REJECT THIS PLEA AGREEMENT, I
9 WILL ALSO CONSIDER ANY OTHER INFORMATION RELEVANT TO THAT
10 DECISION WHICH IS CALLED TO THE COURT'S ATTENTION BY
11 EITHER YOUR ATTORNEY OR BY THE UNITED STATES ATTORNEY?

12 A. YES.

13 Q. DO YOU ALSO UNDERSTAND THAT EVEN AFTER IT'S BEEN
14 DETERMINED WHAT ADVISORY GUIDELINE SENTENCING RANGE
15 APPLIES TO A CASE, THE COURT HAS THE AUTHORITY UNDER
16 CERTAIN CIRCUMSTANCES TO IMPOSE A SENTENCE THAT IS MORE
17 SEVERE THAN THE SENTENCE CALLED FOR IN THE ADVISORY
18 GUIDELINES?

19 A. YES.

20 Q. NOW, AS I'VE INDICATED TO YOU, MR. MAXFIELD, IF I
21 ULTIMATELY ACCEPT THIS RULE 11(C)(1)(C) PLEA AGREEMENT, I
22 WILL BE REQUIRED TO IMPOSE THE AGREED UPON 60 MONTH TERM
23 OF IMPRISONMENT; HOWEVER, IF THIS PLEA AGREEMENT WERE
24 REJECTED AND YOU CHOSE NOT TO WITHDRAW YOUR GUILTY PLEA,
25 OR IF YOU WITHDREW THE GUILTY PLEA AND WERE ULTIMATELY

1 CONVICTED OF THIS CHARGE, DO YOU UNDERSTAND THAT THE COURT
2 HAS THE AUTHORITY TO IMPOSE A 20 YEAR TERM OF IMPRISONMENT
3 IN THIS CASE?

4 A. YES.

5 Q. DO YOU ALSO UNDERSTAND THAT UNDER SOME CIRCUMSTANCES
6 YOU, SUBJECT, OF COURSE, TO THESE WAIVERS YOU HAVE AGREED
7 TO IN THIS PLEA AGREEMENT OR THE GOVERNMENT MAY HAVE THE
8 RIGHT TO APPEAL ANY SENTENCE THAT I DO ULTIMATELY
9 IMPOSE?

10 A. YES.

11 THE COURT: ALL RIGHT. THE COURT HAS OBSERVED
12 THE APPEARANCE OF MR. MAXFIELD AND HIS RESPONSIVENESS TO
13 THE COURT'S QUESTIONS. BASED UPON THESE OBSERVATIONS AND
14 HIS ANSWERS TO THE COURT'S QUESTIONS, THE COURT FINDS THAT
15 THE DEFENDANT IS IN FULL POSSESSION OF HIS FACULTIES AND
16 IS COMPETENT TO PLEAD GUILTY; THAT HE IS NOT UNDER THE
17 APPARENT INFLUENCE OF NARCOTICS, OTHER DRUGS OR ALCOHOL;
18 THAT HE KNOWINGLY WAIVES HIS CONSTITUTIONAL RIGHTS TO
19 TRIAL AND THE OTHER RIGHTS ACCORDED TO PERSONS ACCUSED OF
20 A CRIME; THAT HE UNDERSTANDS THE NATURE OF THE CHARGE TO
21 WHICH THE PLEA IS OFFERED AND THE MAXIMUM PENALTY PROVIDED
22 BY LAW FOR THIS OFFENSE; AND THAT HE HAS OFFERED TO PLEAD
23 GUILTY KNOWINGLY AND VOLUNTARILY.

24 ACCORDINGLY, MR. MAXFIELD, THE COURT WILL
25 ACCEPT YOUR PLEA OF GUILTY, AND YOU ARE HEREBY ADJUDGED

1 GUILTY OF COUNT 5 OF THIS INDICTMENT WHICH CHARGES YOU
2 WITH THE KNOWING RECEIPT OF CHILD PORNOGRAPHY IN SEPARATE
3 COMMERCE IN VIOLATION OF TITLE 18, UNITED STATES CODE,
4 SECTIONS 2252(A), SUBSECTION (A)(1) AND SUBSECTION (A)(2).

5 ALL RIGHT. BEFORE I RUN OFF WITH THIS PLEA
6 AGREEMENT, MS. HOPSON, LET ME HAND IT TO YOU FOR FILING.

7 ALL RIGHT. COUNSEL, HOW ABOUT SEPTEMBER 16 AT
8 9:00 FOR SENTENCING IN THIS CASE?

9 MR. STEINBERG: THAT'S FINE, JUDGE.

10 THE COURT: ALL RIGHT. MR. MAXFIELD, I WILL
11 SCHEDULE A SENTENCING HEARING IN YOUR CASE FOR SEPTEMBER
12 16, 2013, AT 9:00 A.M. HERE IN THIS COURT. I WILL ORDER
13 THE PREPARATION OF THE PRESENTENCE REPORT WE HAVE
14 DISCUSSED. A PROBATION OFFICER WILL CONTACT YOU SHORTLY
15 TO SCHEDULE AN INTERVIEW.

16 NOW, IT APPEARS FROM THE RECORD IN THIS CASE
17 THAT MR. MAXFIELD WAS PREVIOUSLY ORDERED DETAINED BY A
18 MAGISTRATE JUDGE AS A RISK OF FLIGHT AND AS A DANGER TO
19 THE COMMUNITY. IN ADDITION, MR. MAXFIELD HAS NOW BEEN
20 CONVICTED HERE TODAY OF AN OFFENSE WHICH SUBJECTS HIM TO
21 THE MANDATORY DETENTION PROVISIONS OF TITLE 18, UNITED
22 STATES CODE, SECTION 3143(A). FOR THOSE REASONS, MR.
23 MAXFIELD, I WILL ORDER YOUR CONTINUED DETENTION IN THE
24 CUSTODY OF THE UNITED STATES MARSHAL PENDING FURTHER
25 PROCEEDINGS IN THE CASE, AND YOU WILL BE REMANDED TO THE

1 MARSHAL'S CUSTODY.

2 ALL RIGHT. THANK YOU ALL VERY MUCH.

3 MR. STEINBERG: THANK YOU.

4 THE COURT: MR. STEINBERG, THANK YOU FOR
5 TRAVELING HERE, GETTING THIS ALL WORKED OUT.

6 THE DEFENDANT: THANK YOU VERY MUCH.

7 THE COURT: NICE TO SEE YOU.

8 MR. STEINBERG: NICE TO SEE YOU.

9 THE COURT: HAVE A SAFE TRIP HOME.

10 MS. SMITH, THANK YOU VERY MUCH.

11 (PROCEEDINGS ARE CONCLUDED AT 9:30 A.M.)

12 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM
13 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

14
15
16 KAREN J. BRADLEY/S
17 SIGNATURE OF COURT REPORTER

12/2/13
DATE